



U.S. Department of Justice

United States Attorney

District of Delaware

Renee A. Austin
Direct Dial: 302-573-6277x119
Facsimile: 302-573-6643

1007 Orange Street
Suite 700
Wilmington, Delaware 19899-2046
(302) 573-6277
January 9, 2006

U.S. District Court
Attn: Ron Eberhard, Intake Supervisor
844 N. King Street
Wilmington, DE 19801

Re: United States v. John J. Gain

Dear Mr. Eberhard:

Enclosed, please find an original and two copies of a federal judgment. Please register the judgment in your court and return two certified copies to me.

If you have any questions, please call me at the number listed above.

Very truly yours,

COLM F. CONNOLLY
United States Attorney

By:


Renee A. Austin
Paralegal Specialist

Enclosure

File No. 2005Z00199

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff

v.

JOHN J. GAIN,

Defendant

:

:

:

:

:

MISCELLANEOUS NO.

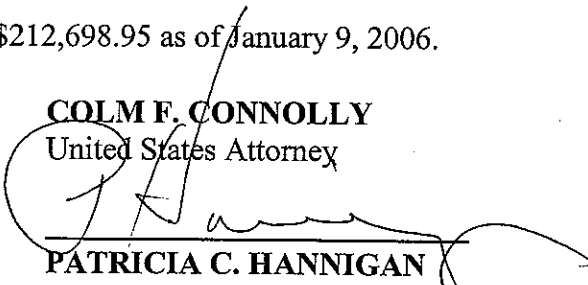
PRAECIPE TO FILE CERTIFIED JUDGMENT

TO THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Please file the attached Certified Assignment of Judgments in the District Court for the District of Delaware in favor of the United States of America, Plaintiff, and against **JOHN J. GAIN**, defendant, originally entered as Case No. 01-02867, on April 2, 2001, in the Court of Common Pleas, Chester County, Commonwealth of Pennsylvania, in the principal amount of \$114,489.20, interest amount of \$38,195.33 and costs and attorney fees of \$28.00, plus interest from the date of Judgment at the rate of 8.250% computed daily and compounded annually until paid in full, plus costs of suit, the balance being \$212,698.95 as of January 9, 2006.

COLM F. CONNOLLY
United States Attorney

By:


PATRICIA C. HANNIGAN
Assistant United States Attorney
Delaware Bar I.D. No. 2145

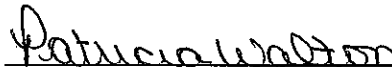
ASSIGNMENT OF JUDGMENT

I, Patricia Walton, representing the Pennsylvania Higher Education Assistance Agency (assignor), 1200 North Seventh Street, City of Harrisburg, Commonwealth of Pennsylvania, in consideration of the sum of \$152,712.53, receipt of which is acknowledged, paid to the Pennsylvania Higher Education Assistance Agency by the United States of America (assignee) hereby assign to assignee the Judgment recovered by assignor on April 2, 2001, docketed in the Court of Common Pleas of Chester County, Commonwealth of Pennsylvania, Case No. 01-02867, against **JOHN J. GAIN**, for \$114,489.20 in principal, plus \$38,195.33 in interest, plus costs and attorney fees of \$28.00.

Assignor authorizes the United States of America to ask, demand, and receive, and to sue out executions and take all lawful ways for the recovery of the money due or to become due to this Judgment.

Assignor has not done and will not do anything to hinder or prevent the United States of America from enforcing the Judgment.

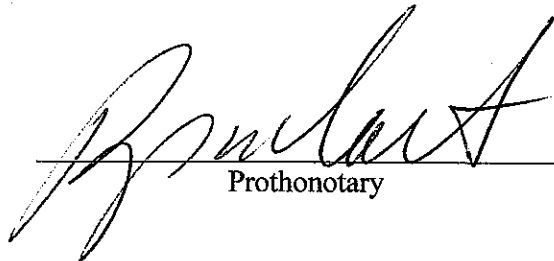
I have executed this assignment at PHEAA, 1200 North Seventh Street, Harrisburg, Pennsylvania 17102 this 27th day of July, 2004.


Patricia Walton

COMMONWEALTH OF PENNSYLVANIA
CHESTER COUNTY, ss:

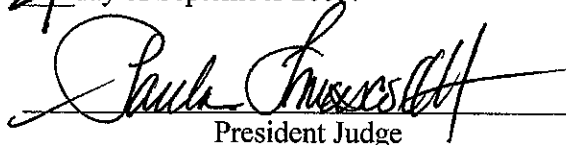
I, **Bryan D. Walters, Prothonotary** of the Court of Common Pleas, in and for the County of Chester, in the State aforesaid, do certify that the above and foregoing is a true and correct copy of the full, entire and whole Record, **PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY V. JOHN J. GAIN**, Chester County Case No. 01-02867 the hereinbefore stated case as the same remains filed and of Record in the said Court.

In testimony whereof, I have hereunto set my hand and the seal of said Court, at West Chester, this 28th day of September, 2005.


Prothonotary

I, **Paula Francisco Ott, President Judge** of the Fifteenth Judicial District of the Commonwealth of Pennsylvania composed of the County of Chester, do certify that the foregoing attestation is in due form and by the proper officer.

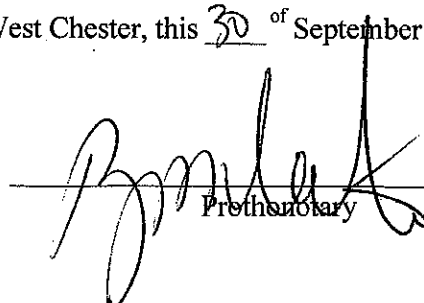
Witness my hand at West Chester, this 29th day of September 2005.


President Judge

COMMONWEALTH OF PENNSYLVANIA
CHESTER COUNTY, ss:

I, **Bryan D. Walters, Prothonotary** of the Court of Common Pleas of Chester County, certify that the **Hon. Paula Francisco Ott**, whose name is signed to the foregoing certificate, was at the time the same bears date, and now is President Judge of the Fifteenth Judicial District of the Commonwealth of Pennsylvania, composed of the County of Chester, duly commissioned and qualified, and that full faith and confidence should be given to all his official acts and attestations.

Witness my hand and official seal, at West Chester, this 30th of September 2005.


Prothonotary

DATE 09/12/05

CIVIL COURT MANAGEMENT SYSTEM

PAGE 1

CASE SUMMARY REPORT

01-02867 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE

AGENCY V. JOHN J GAIN

JUDGMENT

CASE INITIATION DATE 04/02/01 02:20 P

NOT ACTIVE SINCE 00/00/00

CASE STATUS ACTIVE

REOPEN DATE 00/00/00

ARBITRATION DATE

ARBITRATION TIME

TRIAL READY DATE 00/00/00

04/02/01

02:20 P

\$152712.53

TWP/TAX PARCEL #:

JUDGMENT FOR: PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

JUDGMENT AGAINST: JOHN J GAIN

PLAINTIFF

PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

1200 NORTH SEVENTH STREET

DAUPHIN COUNTY

HARRISBURG

PA 17102-1444

VS.

DEFENDANT

JOHN J GAIN

106 NORTH 3RD STREET

CHESTER COUNTY

OXFORD

PA 19363

DATE

DOCKET INFORMATION

04/02/01

JUDGMENT ENTERED IN FAVOR OF
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY
AGAINST JOHN J GAIN
IN THE AMOUNT OF
\$152,712.53

04/02/01

PRAECIPE
FOR JUDGMENT BY PLTF

04/02/01

CERTIFICATION OF ADDRESS

04/02/01

CERTIFICATION OF ADDRESS

04/02/01

AFFIDAVIT

OF SERVICE OF STATEMENT OF CLAIM BY PLTF

**THIS TRANSFER
OF JUDGMENT
IS HEREBY
CERTIFIED
IN FAVOR OF
PENNSYLVANIA
HIGHER EDUCATION
ASSISTANCE AGENCY
AND AGAINST
JOHN J. GAIN
IN THE AMOUNT OF
\$152,712.53.**

**CERTIFIED
FROM THE RECORD**



**Charles W. McLean, Jr.
Deputy Prothonotary
September 28, 2005**

28.

01 02867

01 APR -2 PM 2:19

OFFICE OF THE
PROTHONOTARY
CHESTER CO., PA.

IN THE COURT OF COMMON PLEAS OF

CHESTER COUNTY, PENNSYLVANIA

Pennsylvania Higher Education
Assistance Agency,

Plaintiff

v.

John J. Gain,

Defendant

Civil Division

Case Number

Praeipie for Entry
of Judgment

Filed on Behalf of -
Plaintiff

Name, Address and
Telephone of -

X Counsel of Record

 Individual, Pro Se

K. Kevin Murphy, Esquire
Counsel to PHEAA
1200 North Seventh Street
Harrisburg, PA 17102-1444
(717) 720-2903
Attorney's State ID # 44712

CERTIFIED
FROM THE RECORD
ATTEST *Charles M. S. J.*
DEPUTY PROTHONOTARY

9-28-05

28

IN THE COURT OF COMMON PLEAS OF
CHESTER COUNTY, PENNSYLVANIA
CIVIL DIVISION

Pennsylvania Higher Education
Assistance Agency,

Plaintiff

v.

John J. Gain,

Defendant

No. 01-02867

Term,

FILED
01 APR -2 PM 2:20
OFFICE OF THE
PROTHONOTARY
CHESTER CO., PA

**PRAECIPE FOR JUDGMENT
PROTHONOTARY**

TO:

You are hereby directed to enter judgment in favor of the above named Plaintiff and against the Defendant in the principal sum of \$114,489.20 plus interest of \$38,195.33 from the 31st day of August, 1996, through the 1st day of April, 2001, plus legal fees of \$28.00 for the total amount of \$152,712.53, plus interest accruing at 8.25%.

K. Kevin Murphy

Plaintiff, Attorney, or Agent

AND NOW, this day of , 2001, judgment is entered in favor of the Plaintiff and against the Defendant in the amount of \$152,712.53.

I hereby certify that the residence of the Plaintiff(s) is:

1200 North Seventh Street
Dauphin County
Harrisburg, PA 17102-1444

And that the last known precise residence of the Defendant(s) is:

106 North 3rd Street
Chester County
Oxford, PA 19363

K. Kevin Murphy

Plaintiff, Attorney, or Agent

Deft. Notified

IN THE COURT OF COMMON PLEAS OF
CHESTER COUNTY, PENNSYLVANIA
CIVIL DIVISION

Pennsylvania Higher Education
Assistance Agency,

Plaintiff

v.

John J. Gain,

Defendant

No.

Term,

NOTICE OF ORDER, JUDGMENT OR DECREE

- ☐ Plaintiff You are hereby notified that the following
Order, Judgment, or Decree has been
☐ Defendant entered against you on _____ day of
_____, 2001 in the above-captioned case.
- ☒ Judgment in the amount of \$152,712.53 plus interest accrued at 8.25%
- ☐ Decree in Divorce
- ☐ Decree Nisi in Equity
- ☐ Final Decree in Equity
- ☐ Justice of the Peace Transcript in Trespass in the amount of _____ Plus Costs.
- ☐ If not satisfied within sixty (60) days, your motor vehicle operator's license will be
suspended by the Department of Transportation, Bureau of Traffic Safety, Harrisburg,
Pennsylvania.
- ☐ Entry of Judgment of ☐ Non-Suit of
 ☐ Non-Pros
 ☐ Default
 ☐ Verdict
 ☐ Arbitration Award
- ☐ Justice of the Peace Transcript in Assumpsit in the amount of _____ Plus Costs.

Prothonotary

Deputy

(Applicable brackets have been checked)
THIS NOTICE IS NOT A DEMAND FOR PAYMENT

OFFICE OF THE
PROTHONOTARY
CHESTER CO., PA.

01 APR -2 PM 2:20

FILED

**AFFIDAVIT OF SERVICE
STATEMENT OF CLAIM**

DEFENDANT: John J. Gain

ACCOUNT NO: 179-52-8151

OFFICE OF THE
PROTHONOTARY
CHESTER CO., PA.

01 APR -2 PM 2:21

FILED

IT IS HEREBY CERTIFIED THAT PURSUANT TO THE PROVISIONS OF 24 P.S. SECTION 5104.3 A STATEMENT OF CLAIM WAS SENT TO THE DEFENDANT BY FIRST CLASS MAIL TO THE ADDRESS OF RECORD ON THE DATE APPEARING ON SAID STATEMENT OF CLAIM. IT IS FURTHER CERTIFIED HERewith THAT THE STATEMENT OF CLAIM WAS NOT SUBSEQUENTLY RETURNED TO THIS OFFICE AS UNDELIVERABLE AND THEREBY MET THE REQUIREMENTS OF SERVICE.

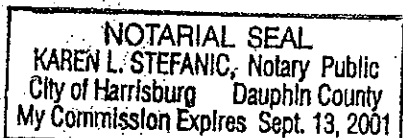
DATED:

3/27/2001

SIGNED:

K. Kevin Murphy
K. Kevin Murphy, Esquire
Counsel to PHEAA

Karen L. Stefani
Notary



PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY,

PLAINTIFF

VS.

JOHN GAIN

JOHN GAIN
542 S BROADWAY J10
PENNSVILLE, NJ 08070

DEFENDANT

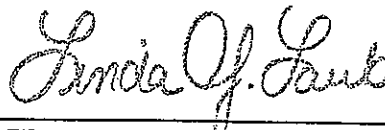
ACCOUNT# 179-52-8151

STATEMENT OF CLAIM

1. PLAINTIFF, PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY, IS A PUBLIC CORPORATION AND GOVERNMENT INSTRUMENTALITY, CREATED UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA BY THE ACT OF AUGUST 7, 1963, P.L. 549, WITH ITS PRINCIPAL ADMINISTRATIVE OFFICES AT 1200 NORTH SEVENTH STREET, HARRISBURG, PENNSYLVANIA 17102.
2. DEFENDANT IS AN INDIVIDUAL WHOSE LAST KNOWN ADDRESS IS INDICATED ABOVE.
3. PLAINTIFF, PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY, BRINGS THIS ACTION AGAINST THE DEFENDANT PURSUANT TO THE ACT OF APRIL 29, 1982 (P.L. 365, NO. 102), (24P.S. SECTION 5104.3).
4. DEFENDANT SIGNED A PROMISSORY NOTE(S) CREATING A HEALTH EDUCATION ASSISTANCE LOAN PURSUANT TO THE PUBLIC HEALTH SERVICE ACT. SEE ATTACHED PROMISSORY NOTE(S).
5. DEFENDANT BREACHED THE AGREEMENT TO REPAY THE LOAN OBLIGATION AND THE AFORESAID NOTE(S) WAS DECLARED IN DEFAULT BY THE HOLDER, AT WHICH TIME THE UNPAID BALANCE IMMEDIATELY BECAME DUE AND PAYABLE.
6. THE TOTAL AMOUNT DUE PLAINTIFF IS AS FOLLOWS:

PRINCIPAL SUM	\$ 114,489.20
INTEREST TO 03/18/98	12,822.06
OTHER CHARGES	.00
COSTS	.00
TOTAL	\$ 127,311.26

WHEREFORE, PLAINTIFF DEMANDS AN ORDER OF DEFAULT AGAINST DEFENDANT IN THE AMOUNT OF \$ 127,311.26 WITH INTEREST AND COSTS.



STAFF COUNSEL
P.O. BOX 1357
HARRISBURG, PA 17105
(717) 720-3800
TT# (717) 720-2366

DATE: 03/21/98

**AFFIDAVIT OF ENTRY
OF ORDER OF DEFAULT**

DEFENDANT: John J. Gain

ACCOUNT NO: 179-52-8151

FILED
01 APR -2 PM 2:21
OFFICE OF THE
PROthonary
CHESTER CO. PA.

IT IS HEREBY CERTIFIED THAT PURSUANT TO THE PROVISIONS OF 24 P.S. SECTION 5104.3 AN ORDER OF DEFAULT WAS ENTERED BY THE BOARD OF DIRECTORS OF THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY AT ITS BOARD MEETING ON MAY 1, 1998. A RECORD OF THIS ENTRY IS DULY RECORDED AND KEPT AT THE OFFICES OF THE AGENCY LOCATED AT 1200 NORTH SEVENTH STREET, HARRISBURG, PENNSYLVANIA 17102-1444.

DATED:

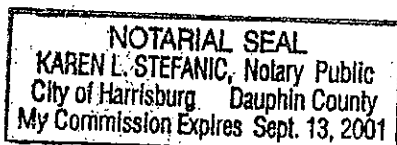
3/27/2001

SIGNED:

K. Kevin Murphy

K. Kevin Murphy, Esquire
Counsel to PHEAA

Karen L. Stefanic
Notary



PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY

PLAINTIFF

VS

JOHN GAIN

JOHN GAIN
1915 WESLEY AVENUE
OCEAN CITY, NJ 08226

DEFENDANT

ACCOUNT# 179-52-8151

ORDER OF DEFAULT

AND NOW THIS 1ST DAY OF MAY, 1998,
IT HAVING BEEN DETERMINED THAT THE ABOVE-NAMED DEFENDANT HAS FAILED TO
FILE A RESPONSE TO THE STATEMENT OF CLAIM FILED AGAINST SUCH DEFENDANT
IN THE RECORDS OF THE AGENCY, AN ORDER OF DEFAULT IS HEREBY ENTERED
AGAINST THE DEFENDANT IN THE AMOUNT OF \$ 128,311.86

PRINCIPAL	\$	114,489.20
INTEREST TO 05/01/98		13,822.66
OTHER CHARGES		.00
COST		<u>.00</u>
TOTAL	\$	128,311.86

THE PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY

1-800-233-0751
TT# 717-720-2366

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Praecipe to File Certified Judgment was served upon defendant by depositing same in the United States mail, postage prepaid, this 9th day of January, 2006, addressed to:

JOHN J. GAIN
1704 Argonne Avenue
Wilmington, DE 19804



PATRICIA C. HANNIGAN
Assistant United States Attorney